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November 15, 2023

VIA ECF

The Honorable Sarah L. Cave, U.S.M.J.
U.S. District Court, Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Rynasko v. New York University*, Case No. 1:20-cv-3250-GBD
November 16, 2023 Discovery Conference

Dear Judge Cave:

On behalf of the defendant, New York University (“NYU”), and in accordance with Your Honor’s Individual Rules and Practices Rule I(A), we write in advance of the discovery conference scheduled for November 16, 2023 to provide the Court with copies of Judge McMahon’s decisions on NYU’s motion to dismiss and the plaintiff’s motion for class certification in *García De León v. NYU* (Case No. 1:21-cv-05005-CM). That case involved a similar putative class action brought by an NYU student seeking a refund of tuition and fees due to the transition to remote instruction during the Spring 2020 semester forced by Covid-19. As NYU explained in its November 6, 2023 letter (ECF No. 73) and during the November 7, 2023 hearing before Judge Daniels, NYU believes that, as in *García De León*, the most efficient procedure for resolution of this case is to conduct expedited class discovery and class certification briefing in order expeditiously to determine whether the Court can maintain jurisdiction over the case pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d).

Additionally, we would like to alert the Court to errors in the transcript from the November 7, 2023 hearing before Judge Daniels. Specifically, the statements at the following lines were misattributed to counsel for NYU when they were in fact made by counsel for the plaintiff:

12:15-18
13:23-14:18.



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We are coordinating with the court reporting service to obtain a corrected transcript. We look forward to discussing these issues further with Your Honor tomorrow.

Respectfully submitted,

/s/ Keara M. Gordon
Keara M. Gordon

cc: All Counsel of Record